

TO: Mayor and Board of Trustees
FROM: Village Administrator Steve Stricker and Staff
SUBJECT: Regular Meeting of July 26, 2010
DATE: July 23, 2010

PLEDGE OF ALLEGIANCE – Will Duerr, Pleasantdale Elementary

6. ORDINANCES

A. Annex Certain Property (Surrounded Territory)

Notices have been sent to three property owners located on North Frontage Road and on 74th Street indicating the fact that they are surrounded by the Village and informing them of the Village's intent to force annex their properties. The properties in question include three residential lots located on 74th Street owned by Mr. John Damore, the 25-acre truck depot property currently leased by Saia Truck Company and owned by Burr Ridge resident Mr. Robert Rogulic, and the Compass Tuck Sales property owned by Burr Ridge resident Mr. Roy Dobrasinovic. Attached please find the necessary Ordinance and Plat of Annexation.

The action to force annex these properties is in keeping with the Village's long-standing growth management policy, which includes the annexation of surrounded property within the corporate limits of the Village. In addition, the annexation of the truck depot property will allow the Village to respond to resident complaints and enforce the Village's performance standards for industrial properties.

On Thursday, July 15, Village Attorney Terry Barnicle, Community development Director Doug Pollock and I met with the owners of the truck depot and truck sales company, along with their attorney Mr. Tim Dwyer, to discuss their request for an annexation agreement. It was clear from this meeting that the property owners are concerned about the continued use of their property in the manner in which they are currently using it and would like to obtain the necessary zoning to allow their use to continue. In response, we indicated that there currently is no zoning category in which truck depots would be allowed and we did not believe that a truck depot was an appropriate use for this property, as it is adjacent to residential-zoned property to the north and west, and that the truck depot should simply continue as a non-conforming use.

We indicated that the only way we could recommend the possibility of an annexation agreement is if the property owners would agree to alleviate the concerns of the neighboring residents. With this in mind, I met with the Chestnut Hills residents on Friday, July 16, and with their help and the help of residents on 74th and 75th Streets, who I talked to over the phone and/or communicated with via email, I was able to generate a list of concerns, which I submitted to the property owners' attorney on Tuesday, July 20 (see attached). As a follow-up to our previous meeting, the

attorney for the property owners sent me a letter outlining their concerns and requested that the action to force annex their properties be postponed in order to continue to pursue the possibility of an annexation agreement (see attached).

An annexation agreement could benefit the residents and the Village, if the property owner(s) were to agree to address the residents' concerns. Having a signed contract outlining specific changes that will be made within a certain time frame would certainly be preferable to simply having to enforce our performance standards in court. However, I am concerned that the property owners would want the Village to compromise on its performance standards and provide them with zoning that would allow them to continue the use of the property as a truck depot forever.

I made it clear to Mr. Dwyer that, before I could recommend that the Village Board postpone the action to annex the property on July 26, I would need some positive indication that the majority of the concerns of the residents could be met. As of this writing, I have not been given that assurance. With this in mind, **it is our recommendation** that the Ordinance annexing the aforementioned properties be approved.

7. RESOLUTIONS

8. CONSIDERATIONS

A. Plan Commission Recommendation – Driveway Gate Variation (11314 79th Street)

Please find attached a recommendation from the Plan Commission to approve a request by Kane Brothers for a variation from the Zoning Ordinance to permit the construction of a driveway gate on a property with only 164 feet of street frontage (220 feet required). The subject property is located at 11314 79th Street.

It is the consensus of the Zoning Board / Plan Commission that the proposed driveway gate is consistent with the original intent of the Zoning Ordinance. Its significantly increased setback from 79th Street will mitigate the fact that the property is not as wide and the potential visual impact from the street if other gates are erected on adjoining properties. The intent of the 220 feet of frontage is to ensure that a block is not inundated with gates that are visible from the street. With the increased setback, the gates will not be as visible from the street.

The Zoning Board / Plan Commission acknowledged, however, that there was nothing unique about the property or any hardship that would justify a variation. Based on its desire to allow driveway gates in these particular circumstances, the Plan Commission recommends that a text amendment be considered that would amend the Zoning Ordinance to allow gates with greater setbacks on more narrow properties.

In summary, the Plan Commission recommends that the Board proceed with the approval of the variation and at the same time grant authorization to the Plan Commission to conduct a public hearing to consider

amendments that would permit similar properties to construct a driveway gate with similar setbacks.

It is our recommendation: that the Board directs staff to prepare an Ordinance approving this variation as recommended by the Plan Commission and that the Board authorize the Plan Commission to hold a public hearing as recommended.

B. Plan Commission Recommendation – Public Hearing re Screening Roof-Top Mounted Equipment in All Non-Residential Areas

Attached is a letter from the Plan Commission requesting authorization to conduct a public hearing to consider a zoning amendment requiring non-conforming buildings to be brought into compliance with the current regulations for screening of rooftop equipment. The requirement for rooftop screening was created in 1997 and buildings existing at that time became legally non-conforming. The only time those buildings have to add rooftop screening is when they add new equipment and only the new equipment has to be screened. New buildings have to screen all rooftop equipment.

The Plan Commission discussed the cost for adding rooftop screening to existing buildings. It was noted by staff that the cost for screening of a single piece of equipment for a recently issued building permit was about \$7,000. The Commission is very concerned about the cost and the potential impact on businesses but also thinks that some method of requiring screening incrementally may be appropriate. For example, the amount of new screening could be a function of the amount being spent on a new building addition or remodeling.

It is our recommendation: that the Board authorize the Plan Commission to hold a public hearing as requested.

C. County Line Road/I-55 Bridge Improvements Update

At the request of Mayor Grasso, staff is providing an update to the Board regarding the planned improvements to the County Line Road/I-55 bridge.

The Illinois Department of Transportation will be doing deck replacement with substructure repair on the County Line Road at I-55 bridge. The Village has asked IDOT to add certain aesthetic enhancements to the bridge work. IDOT has indicated their acceptance of these enhancements and will incorporate them into their bridge re-construction project subject to the Village paying the extra costs associated with the enhancements.

In a conversation with IDOT the week of July 19, 2010, we were told that the Phase I Design Engineering has been completed. The Phase I plan was presented to IDOT and the FHWA last week, and Phase II (preparation of construction documents) should commence sometime later this summer or early fall. The Burr Ridge enhancements are included in these plans and discussions. As for schedule, the project is currently slated for a September, 2011 letting, which would mean that construction would start in spring, 2012. This is slightly later than originally discussed.

The next step for the Village is to enter into a Letter of Intent with IDOT which will establish cost and other responsibilities. We have provided IDOT with the information they have requested to prepare a draft Letter of Intent. That letter will be submitted to the Board for approval upon receipt. I would anticipate the Letter of Intent being presented to the Board in the fourth quarter of 2010. Our preliminary estimate for Village costs on this project is approximately \$400,000.

We will also be submitting a grant application for this project through the Illinois Transportation Enhancement Program (ITEP). The ITEP grant application is due August 31, 2010. It is our intent to submit an application for funding not only the bridge enhancement but also the entire interchange landscaping improvement plan. The ITEP grants pay for 80% of project costs with a 20% local contribution. I will be working with our design professional, Hitchcock Design Group, to prepare the grant application.

A copy of the design concepts approved by the Board of Trustees in January of this year and subsequently submitted to IDOT is attached.

D. Possible Resolution re Attaining Long-Term Pension Sustainability

The Executive Board of the Metropolitan Mayors Caucus recently voted to encourage city councils and village/town boards throughout the Chicago area to place a public safety pension reform advisory referendum on their ballots for the upcoming general election in November. Attached is a copy of their model resolution. All referendum questions need to be approved by August 16.

The referendum question in the model resolution is very similar to the one that the Village of Barrington and the City of Lake Forest had on their ballots this past spring. The main difference is that the question was updated to reflect the action the General Assembly took this past spring in adopting pension reform for all pension systems in the state, except those affecting police, fire and county sheriffs. The questions passed in Barrington and Lake Forest, with 87% and 92% of the vote respectively.

The Mayors Caucus will work with the Pension Fairness Coalition to provide written materials and suggestions for public meetings to help educate voters regarding the issue of why public safety pension reform is needed. Pension Fairness for Illinois communities is a coalition aimed at bringing fairness to the public safety pension system in order to relieve the burden of escalating public safety pension costs on local taxpayers and ensure sustainable retirement benefits for public safety employees. The Pension Fairness Coalition legislative platform proposes five steps that would relieve taxpayer burden and enable communities to provide their public safety employees with secure and reliable retirements:

- Enrollment of all new public safety personnel in a modified pension system. This would bring public employee benefits more in line with the private sector.

- Realignment of public safety employee pension contributions so that they are parallel with the level of benefits received. In a stable and modern pension system, employees and employers would contribute equally toward pension costs.
- Consolidation of the public safety pension system into one statewide fund to minimize operational costs and provide opportunities for improved investment returns. The proposed legislation calls for this item to be completely studied to ensure any potential issues are resolved prior to implementation.
- Adoption of a 30-year rolling amortization period for the full funding of pensions. This is a more stable funding methodology than the arbitrary fixed 2033 deadline currently in place.
- Require a super majority in order to improve benefit enhancements in the General Assembly to curtail ongoing pension enhancements.

If the Board is interested in pursuing this action, the proposed Resolution would be placed on the agenda for approval at the August 9 meeting.

Board direction is requested.

E. Contract for Preparation of Geotechnical Report for 87th Street

87th Street has been identified for resurfacing or reconstruction in the 2011 or 2012 Road Program. In order to ensure that the design is based upon sound geotechnical and survey data, it is necessary to hire a survey/geotechnical professional services firm to perform soil borings, conduct laboratory analysis, perform topographic survey, issue findings and recommendations, and to collect survey data. This data will be utilized by the Village Engineer to ensure that the roadway design is appropriate to the subsurface conditions, and to ensure that the potential for unexpected cost increases is minimized.

In order to ensure that only the most qualified candidates were considered for this important project, the Village prepared a detailed RFP (Request for Proposals). The RFP was submitted to four qualified consultants, and the Village received three submittals. The prices associated with the submittals are as follows:

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| • Trotter & Associates: | \$ 15,325.00 |
| • Engineering Resource Associates: | \$ 15,500.00 |
| • McDonough Engineers: | \$ 21,186.20 |

The budget for this project is \$18,000, so the work will be completed within budget. The Village has worked with Trotter & Associates before, and we have been pleased with their work.

It is our recommendation: that a contract for Professional Services for a geotechnical evaluation of 87th Street be awarded to Trotter & Associates in an amount not to exceed \$15,325.00.

F. Purchase of Road Salt for FY 10-11

The Illinois Department of Central Management Services recently awarded a state bid contract to North American Salt Company, of Overland Park, Kansas. Each year, Illinois communities purchase road salt through the Illinois State Bid in order to receive the most competitive pricing available. As a party to the State bid process, the Village is obligated to purchase 80% of the requested allotment, and the supplier is obligated to provide 120% of the requested allotment, if requested. The 2010 cost is \$74.82 per ton for rock salt, which is \$0.18 less per ton than the price awarded in 2009.

This year, the Village of Burr Ridge has requested an allotment of 1,800 tons. Therefore, we are obligated to purchase 1,440 tons (80%). The Village has budgeted \$135,000 for the purchase of road salt this year. If winter operations require the purchase of 100% of the requested allotment (1,800 tons), the cost would be \$134,676, which would be within budget.

It is our recommendation: that the Mayor and Board of Trustees approve the CMS Road Salt Renewal Alternative, as submitted by staff, for the purchase of road salt at a price not to exceed \$74.82/ton.

G. Approval of Vendor List

Enclosed is the Vendor List in the amount of \$195,466.16 for all funds, plus \$194,060.29 for payroll, for a grand total of \$389,526.45. The Vendor List includes the following special amounts:

- \$15,749.91 – K-Five Construction for payment #4 on the 2010 Road Program
- \$14,437.94 – Burns & McDonnell for North County Line Rd pedestrian improvement engineering

It is our recommendation: that the Vendor List be approved.